

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 23, 33, 43, and 52 are requested to be cancelled.

Claims 21, 22, 24, 26-28, 30-32, 34, 37-42, 44, 46, 47, 49-51, 53, and 56-59 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 21, 22, 24-32, 34, 36-42, 44-51, 53, and 55-59 are now pending in this application.

In the March 9, 2009 Final Office Action, the Examiner asserted that claims 21, 22, 24-32, 38-42, 44-51, and 57-59 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over one or more combinations of the following prior art references: U.S. Patent No. 7,142,895 (Heatley); U.S. Patent No. 6,882,860 (Kim); and/or U.S. Patent No. 6,687,356 (Glitho). Additionally, the Examiner asserted that claims 34, 36, 37, 53, 55, and 56 were allowed, and that claims 23, 33, 43, and 52 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Pursuant to Applicant's Pre-Appeal Brief Request filed July 9, 2009 by Applicant, a Notice of Panel Decision was issued on October 6, 2009 maintaining the Examiner's above-noted position.

In response, Applicant has amended independent claims 21, 32, 38, 41, 51, and 57 to more particularly describe that the claimed service delivery mode is selected from the group consisting of background, diagnostic, maintenance, and foreground service delivery modes. That is, the subject matter recited in dependent claims 23, 33, 43, and 52 which were deemed

allowable by the Examiner, have been incorporated into independent claims 21, 32, 38, 41, 51, and 57. Accordingly dependent claims 23, 33, 43, and 52 have been canceled.

Additionally, claims 21, 22, 24, 26-28, 30-32, 34, 37, 38, 39-42, 44, 46, 47, 49-51, 53, and 56-59 have each been amended for stylistic purposes, as well as for clarification and/or consistency purposes.

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the required limitations recited in independent claims 21, 32, 34, 38, 41, 51, 53, and 57 as currently amended, Applicant submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 22, 24-31, 36, 37, 39, 40, 42, 44-50, 55, 56, 58, and 59 are each directly or indirectly dependent upon independent claims 21, 34, 38, 41, 53, and 57, Applicant submits that each of these claims are allowable for at least the same reasons.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under

37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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